

MENTAL HEALTH/DEVELOPMENTAL DISABILITIES/SUBSTANCE ABUSE
SERVICES
COMMISSION FOR MH/DD/SA SERVICES WORK GROUP

MINUTES OF THE MEETING

April 4, 2002

The meeting was called to order by Senator Bill Martin, Co-Chair. The members present were Representative Alexander, Co-Chair, Senators Virginia Foxx and William Purcell and Representative Crawford.

The minutes of the March 6, 2002 meeting were reviewed and approved.

Dr. Mary Fraser, Project Manager, reviewed the Issues for Discussion on Possible Reform of the Commission for MH/DD/SAS (Attachment A) prepared for the working meeting of the Committee on March 6, 2002. The role of the Commission was discussed at length in that meeting. The Committee agreed that the Commission should be delegated executive powers to advise the Secretary as it does and should have quasi-legislative powers of rule making. Some new language may be needed to provide an avenue for conflict resolution within the Department and between Department and Commission. No conclusions were reached on the composition and term limits of membership or designated staff.

Linda Attarian, Staff Counsel, said that the Committee had discussed the need for a body within the Department to look at coordination of rules of various commissions and divisions that affect policies and to come forward with language either to establish an interagency committee that would be comprised of representatives of the various divisions within the Department and commissions that serve the Department and to look at the Office of Policy and Planning which was recently established for the purpose of coordinating policy within the Department and might be an appropriate vehicle to use for this effort. The 2001 Budget Bill directed the Secretary to establish an Office of Policy and Planning with specified responsibilities. (See Attachment B) The office was directed to report to the Appropriations Committee by January 1 as to the establishment of the Office. (page 3 of Attachment B) Ms. Attarian and Gann Watson, Staff Counsel, added a new subdivision (7) amending the Session Laws to provide a new responsibility to the Office. The language of the original bill directs the Office to coordinate policies and rules within the Department, but does not include commissions, thus subdivision (7) expands the Session Law to include rules proposed and adopted by commissions. Senator Martin will pursue discussion and input from the Department to determine the best way to structure this mechanism. Kathy Tobin, of the Office of Policy and Planning, agreed that coordination of services was imperative, but that too frequent meetings could overburden the Office. Representative Alexander said that the coordination and resolution process was not meant to be a burden but to assure that new rules within the Department are dealt with in a timely manner. Satana Deberry, General Counsel at DHHS and Rule Making Coordinator, reminded the Committee that the existing APA process is in place for Department rules, and the Department is undergoing rules review

and overhaul to assure that rules are being placed in and handled by the correct entity. She offered to meet with the Committee and the Department representatives as this work goes forward. Senator Purcell added that Section (7) puts into writing the process that should have been in place before now.

Senator Martin asked for comments on the role of the Commission. Dr. Fraser reviewed the Statute (Attachment C) dealing with the Authority and Composition of the Commission. Senator Foxx questioned why Section (5) having to do with controlled substances is part of the Commission's responsibility. Flo Stein, Section Chief for Substance Abuse Services, responded that originally the service was established for inspection to prevent diversion to keep the North Carolina Substance Abuse Act in line with Federal Controlled Substance Act. All drugs scheduled as controlled in North Carolina come before the General Assembly as well as the Commission. The rules that exist are about the inspection process. North Carolina law is somewhat different from federal law in its dealing with marijuana and steroids because of action by the General Assembly which has the authority to add a substance to the controlled list for North Carolina. Discussion followed concerning the appropriate role of the Commission in dealing with matters that have both medical and criminal implications. Ms. Stein said that there are physicians on the Commission, and a number of inspectors are former law enforcement officers and/or medical professionals who may bring in the SBI or DEA if illegal activity is suspected. Ms. Attarian added that the penalties for violations of the Controlled Substances Act are criminal.

Representative Alexander opened discussion on the composition of the Commission. (Attachment D) She said that it was important to ensure that the services populations represented by members fall under the broader Mental Health, Developmental Disabilities and Substance Abuse Services categories. Professionals need to be represented; expertise is vital. Coalition 2001 is one mechanism to recommend appropriate members. It is also very important that consumer representatives have a voice on the Commission. Professional organizations could nominate members to serve. It was suggested that several members at large, without close ties to or involvement with MH/DD/SAS issues might bring fresh insight to the Commission. No decision was made on composition.

The next issue was length and number of terms. (Attachment D) Four proposals were presented. The intent of the Work Group is not to replace the present Commission members but to open the Commission for representation from more varied viewpoints and involvements. Floyd McCullough, member of the Commission, said time is needed to learn and develop expertise and favored three consecutive terms. Holly Riddle, Staff Director for the North Carolina Council on Disabilities, stressed the need for staggered terms so that all expertise is not lost at once. The rapid changes in the field make it necessary to bring in new viewpoints. Dave Richard agreed that instituting term limits is vital to bringing in new people and ideas in order to meet the challenges in the field. Following discussion, the Committee voted that terms be three years, with a limit of two consecutive three-year terms.

Representative Alexander then opened discussion on the proposal for a dedicated staff knowledgeable in the rule-making authority of the Commission and the Secretary. (Attachment D) Dr. Visingardi said that he wanted to review the proposal with the Secretary before commenting. Mr. McCullough spoke about the seriousness work of the Commission and the dedication of members who would greatly benefit from a dedicated staff person. Carol Clayton, Director of the North Carolina Council, believes that more than .25 FTE is already being dedicated by Division staff to the Commission, although various people are doing the work. .25 FTE is not enough time to perform the necessary duties in a timely manner. She asked that the responsibilities and duties of the staff person be determined before making a specific request for time allotted to the job.

Representative Alexander asked for comments and response to the composition of the Commission: disability group, professional representation, and consumer representation. The role of the Commission member is to represent all those who are not at the table – providers, professionals, consumers and family members. Representative Alexander asked for suggestions on the composition of the Commission to be sent to Dr. Fraser by noon on Thursday, April 11, 2002 for review and consideration before the next meeting on Thursday, April 18.

The meeting was adjourned.

Senator William Martin, Co-Chair

Representative Martha Alexander, Co-Chair

Ann Faust, Committee Assistant